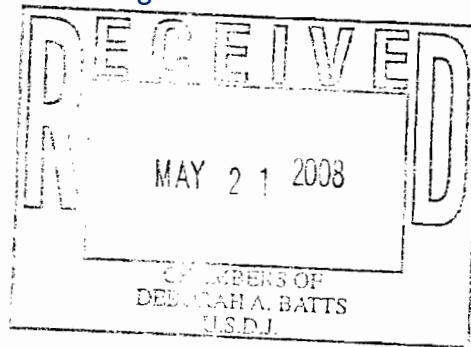


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May 21, 2008

By Hand

Hon. Deborah A. Batts
U.S. District Court, S.D.N.Y.
500 Pearl Street, Room 2510
New York, NY 10007

Re: In re: Calpine Corporation
Mark Daley v. Calpine Corporation
Case No. 1:08-cv-03880-(DAB)

MEMO ENDORSED

Dear Judge Batts:

This firm represents Appellant Mark Daley and requests an extension of time of two days for the filing of Appellant's brief, to May 28th.

1. The original date Appellant's brief was due is May 12, 2008.
2. There was one previous request for a two week extension of time to May 26th.
3. Counsel for Appellee has consented to the requested extension.

When I made the previous request for an extension, I neglected to take into account Memorial Day and the holiday weekend. Thus, I mistakenly requested the deadline be extended to Memorial Day. Although the FRCP may automatically extend the deadline one day, I am requesting an additional day, to Wednesday, May 28th, because of family commitments during the holiday weekend.

GRANTED
IDAB

Respectfully submitted,

David Wander

SO ORDERED

cc: Anthony Casey, Esq. (by email)

 DEBORAH A. BATTES
 UNITED STATES DISTRICT JUDGE
 May 21, 2008